

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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UNITED STATES OF AMERICA,)	DEBRA P. HACKETT, CLK
)	M.D. DISTRICT COURT
Plaintiff,)	MIDDLE DISTRICT ALA
)	
v.)	CIVIL ACTION NO.
)	
JAMARLO K. GUMBAYTAY)	
(aka LAURENCE E. LAMAR))	
d/b/a ELITE ENTERPRISES)	
CONSULTANT GROUP;)	
MATTHEW BAHR;)	
BRETT ROSENBAUM;)	
ESTATE OF DONNA GREENE;)	
LORI WILLIAMS;)	
SEAN MCDONOUGH;)	
WOODY D. FRANKLIN;)	
WOODY D. FRANKLIN, SR.;)	
JAMES F. CLARK;)	
BARBARA CLARK; and)	
FRANK COOK,)	
)	
Defendants.)	

COMPLAINT AND REQUEST FOR JURY TRIAL

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619.
2. This court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345, and 42 U.S.C. § 3614(a).
3. Venue is proper under 28 U.S.C. § 1391(b) because the actions giving rise to the United States' allegations occurred in the Middle District of Alabama.

4. Defendant Jamarlo K. Gumbaytay aka Laurence E. Lamar d/b/a Elite Enterprises Consultant Group (“Gumbaytay”) is a resident of Montgomery, Alabama.

5. During part or all of the period of time relevant to this action, Defendant Gumbaytay has managed numerous residential rental properties in the Montgomery, Alabama area. These properties include, but are not limited to, the properties listed in paragraphs 6 through 13 (“the subject properties”). Some of these properties may contain more than one rental unit.

6. At all times relevant to this action, Defendant Matthew Bahr employed Defendant Gumbaytay as his agent to manage the following properties that he owned: 3661 Whiting Avenue, Montgomery, Alabama 36105, and 964 North Gap Loop, Montgomery, Alabama 36110.

7. At all times relevant to this action, Defendant Brett Rosenbaum employed Defendant Gumbaytay as his agent to manage 629 North Union Circle, Montgomery, Alabama 36104, which he owned.

8. At all times relevant to this action, Donna Greene, now deceased, employed Defendant Gumbaytay as her agent to manage 3120 Gentilly Court, Montgomery, Alabama 36116, which she owned.

9. At all times relevant to this action, Defendant Lori Williams employed Defendant Gumbaytay as her agent to manage 720 Capri Street, Montgomery, Alabama 36105, which she owned.

10. At all times relevant to this action, Defendant Sean McDonough employed Defendant Gumbaytay as his agent to manage the following properties that he owned: 2518 Drake Street, Montgomery, Alabama 36108, and 118 Stuart Street, Montgomery, Alabama 36105.

11. At all times relevant to this action, Defendants Woody D. Franklin and Woody

D. Franklin, Sr. employed Defendant Gumbaytay as their agent to manage 6149 Cherry Hill Road, Montgomery, Alabama 36116, which they owned.

12. At all times relevant to this action, Defendants James F. and Barbara Clark employed Defendant Gumbaytay as their agent to manage 4005 Chelsea Drive, Montgomery, Alabama 36110, which they owned.

13. At all times relevant to this action, Defendant Frank Cook employed Defendant Gumbaytay as his agent to manage 2002 Oklahoma Street, Montgomery, Alabama 36107, which he owned.

14. The rental units at the subject properties are dwellings within the meaning of 42 U.S.C. § 3602(b).

15. The Defendants have violated the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., by discriminating against persons on the basis of sex in connection with the rental of the subject properties.

16. From at least 2005 through the present, Defendant Gumbaytay has been subjecting actual and prospective female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Such conduct has included, but is not limited to, unwanted verbal sexual advances; unwanted sexual touching; unwanted sexual language; granting and denying tangible housing benefits based on sex; and taking adverse action against female tenants when they refused or objected to his sexual advances.

17. The owner Defendants listed in paragraphs 6 through 13 are liable for the discriminatory conduct of their agent and manager, Defendant Gumbaytay, described above. In addition, the owner Defendants knew or should have known of the discriminatory conduct of

Defendant Gumbaytay, yet failed to take reasonable preventive or corrective measures.

18. The Defendants' conduct described above constitutes:
 - a. A denial of housing or making housing unavailable because of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
 - b. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
 - c. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c);
and
 - d. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.
19. The Defendants' conduct described above constitutes:
 - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.; or
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., which denial raises an issue of general public importance.

20. Female tenants, prospective tenants, and persons associated with them have been injured by the Defendants' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of the Defendants' conduct.

21. The Defendants' conduct was intentional, willful, and/or taken in reckless disregard for the rights of others.

22. The owner Defendants listed in paragraphs 6 through 13 may own or have owned other dwellings, for which they employed Gumbaytay as their manager and agent, where conduct similar to that described in paragraph 16 may have occurred.

WHEREFORE, the United States prays that the Court enter an ORDER that:

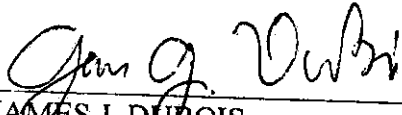
1. Declares that the Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;
2. Enjoins the Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them from:
 - a. Discriminating on account of sex against any person in any aspect of the rental of a dwelling;
 - b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended; and
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct;

3. Awards monetary damages to each identifiable victim of the Defendants' discriminatory housing practices for injuries caused by the Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses civil penalties against the Defendants in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c).

The United States further prays for such additional relief as the interests of justice may require.

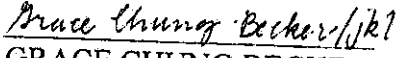
Dated: 7/17/08

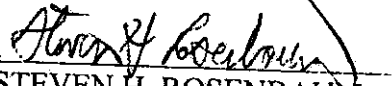
LEURA G. CANARY
United States Attorney

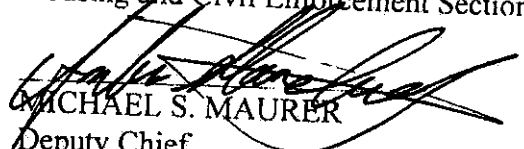

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Respectfully submitted,

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